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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,702	08/04/2000	HIDEYOSHI HORIMAI	106357	8307

25944 7590 11/25/2002

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EXAMINER

LAVARIAS, ARNEL C

ART UNIT PAPER NUMBER

2872

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,702

Applicant(s)

HORIMAI, HIDEYOSHI

Examiner

Arnel C. Lavarias

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. The addition of Claims 51-60 in Paper No. 16, dated 10/10/02 is acknowledged and accepted.

Election/Restrictions

2. After careful consideration and discussion with Applicant's representative, Paul Tsou, the previous restriction requirement in Paper No. 8, dated 2/22/02, has been respectfully withdrawn. Claims 3-5, 9-15, and 18-50, which were previously withdrawn from consideration in Paper No. 10, dated 5/10/02, as a result of the previous restriction requirement, have been rejoined.
3. As per the interview with Applicant's representative (See Paper No. 12, dated 10/3/02), a new restriction requirement is set forth below, taking into consideration the proposed claim groupings as submitted by Applicant in Paper No. 16, dated 10/10/02.
4. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, Claim(s) 1-11, 28-45, 51-60, drawn to an optical information recording and reproducing apparatus and method comprising a pick-up device and detection means.

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Group II, Claims(s) 12-27, drawn to an optical information recording and reproducing apparatus and method comprising wavelength selective means.

Group III, Claim(s) 46-50, drawn to an optical information recording medium.

5. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I has multiple special technical features directed toward, for example, a pick-up device and detecting means that are not required for the other groups. Group II has special technical features directed toward wavelength selective means that is not required for the other groups. Group III has special technical features directed toward a holographic recording medium with multiple information layers that is not required for the other groups.

6. This application contains claims directed to more than one species of the generic inventions of Group I and II. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

One of the following must be selected if Group I is elected:

Species I- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the information light and reference light for recording.

Species II- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the reference light for reproduction.

Species III- an optical information recording and reproducing apparatus and method comprising the optical axis of the information light and the optical axis of the reference light for recording being located on the same line.

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Species IV- an optical information recording and reproducing apparatus and method comprising the optical axis of the reference light for reproduction and the optical axis of the reproduction light being located on the same line.

Species V- an optical information recording and reproducing apparatus and method comprising the information light generation means generating the information light in a plurality of wavelength bands.

Species VI- an optical information recording and reproducing apparatus and method comprising the reproduction reference light generation means generating the reference light for reproduction in a plurality of wavelength bands.

Species VII- an optical information recording and reproducing apparatus and method comprising controlling the information light generation means and the recording reference light generation means to record information with redundancy in the optical information recording medium.

Species VIII- an optical information recording and reproducing apparatus and method comprising a first and a second light quantity monitoring means.

One of the following must be selected if Group II is elected:

Species I- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the information light and reference light for recording.

Species II- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the reference light for reproduction.

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Species III- an optical information recording and reproducing apparatus and method comprising the optical axis of the information light and the optical axis of the reference light for recording being located on the same line.

Species IV- an optical information recording and reproducing apparatus and method comprising the optical axis of the reference light for reproduction and the optical axis of the reproduction light being located on the same line.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

7. The claims are deemed to correspond to the species listed above in the following manner:

For Group I:

Species I- Claims 2, 36, 52.

Species II- Claims 8, 42, 58.

Species III- Claims 3, 29.

Species IV- Claims 9, 39.

Species V- Claims 4, 30.

Species VI- Claims 10, 40.

Species VII- Claims 5, 33-34, 36, 42.

Species VIII- Claim 31.

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For Group II:

Species I- Claims 13, 21.
Species II- Claims 17, 25.
Species III- Claims 14, 22.
Species IV- Claims 18, 26.

The following claim(s) are generic to Group I: Claims 1, 6-7, 11, 28, 32, 35, 37-38, 41, 43-45, 51, 53-57, 59-60.

The following claim(s) are generic to Group II- Claims 12, 15-16, 19-20, 23-24, 27.

8. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: For both Groups I and II, each of the listed species has special technical features not required for the other species in a particular group.

9. A telephone call was made to Paul Tsou (703-836-6400) on 11/21/02 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 703-305-4007. The examiner can normally be reached on M-F 8:30 AM - 5 PM.

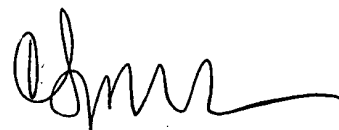
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703-308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Arnel C. Lavarias
November 21, 2002



Cassandra Spyrou
Supervisory Patent Examiner
Examination Center 2800